

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD FEBRUARY 5, 2001 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**AGENDA REVIEW**

The Board of Supervisors and staff reviewed the promulgated agenda.

**FY 2002 BUDGET OVERVIEW**

Mr. Lee presented an overview of the County Administrator's FY 2002 Budget.

**DISCUSSION OF THE STATEWIDE FIRE PREVENTION CODE**

A work session was held to review and discuss the impacts of adopting the Statewide Fire Prevention Code.

**PUBLIC SAFETY RADIO SYSTEM**

A work session was held to review the current status of work on the 800 MHz radio system and the 150 MHz alternative.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

**ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the Agenda subject to removing A Resolution Requesting the Planning Commission to Reduce the Residential Density Designated in the Comprehensive Plan for the Warrenton Service District to Conform with Existing Zoning from the Regular Agenda and adding it to the Consent Agenda, and accepting a substitute ordinance for Zoning Ordinance Text Amendment – Amendment of Section 6-102.24 of the Fauquier County Zoning Ordinance to Revise the Permit Requirements for Ponds. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

#### CITIZENS TIME

- Ed Longo, Center District, introduced his son, Eddie, who was attending the meeting working on his Life Scout Badge.
- Eloise Trainum, Marshall District, asked Board members to assist in getting relief from television interference she is experiencing from the radio station tower located on Route 29.
- Darlene Legg, Marshall District, asked the Board of Supervisors to consider rescinding its previously adopted resolution supporting a request to have Route 17 between I-66 and Route 50 designated a secondary road.

#### CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Approval of the Minutes of the December 18, 2000 Regular Meeting of the Board of Supervisors

FY 2001 Budget Transfers and Supplemental Appropriations in the Amount of \$493,761

## RESOLUTION

## A RESOLUTION TO TRANSFER AND APPROPRIATE

FY 2001 FUNDS IN THE AMOUNT OF \$493,761

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office requested appropriation of \$134 from the Share of Forfeiture Proceeds – DEA Group 33 and \$13,257 of Federal Local Law Enforcement Block Grant funding; and

WHEREAS, the Fire and Rescue Association requested appropriation of \$9,785 for support of a Scott Airpack In-House Repair Center, \$22,474 for support of a Hazardous Material Service Unit, \$5,000 for Electric Utility costs for VHF Building #271, and \$20,000 for Physicals from Fund 270 Prior Year Fund Balance; and

WHEREAS, the Budget Office requested \$26,643 for Courthouse Maintenance from Courthouse Maintenance revenue in the General Fund Balance; and

WHEREAS, the School Division requested appropriation of \$37,918 for a Goals 2000 Technology Grant from Federal funding and \$350,800 from General Fund Reserves for Health Insurance (\$273,000), Fleet Maintenance (\$37,800) and Fuel (\$40,000); and

WHEREAS, the Disability Services Board requested appropriation of \$7,750 from State funding for staff support; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the sum of \$493,761 be transferred, de-appropriated, appropriated and hereby approved as follows:

FROM			TO		
Source	Code	Amount	Department	Code	Amount
Federal Funds	3-100-331000-0040	\$134	Sheriff's Office	4-100-031230-8201	\$134
Federal Funds	3-100-331000-0200	\$13,257	Sheriff's Office	4-100-031262-1201	\$13,257
Fire & Rescue Fund Balance	3-270-419000-0010	\$9,785	Fire & Rescue	4-270-032200-8200	\$9,785
Fire & Rescue Fund Balance	3-270-419000-0010	\$22,474	Fire & Rescue	4-270-032200-8200	\$22,474
Fire & Rescue Fund Balance	3-270-419000-0010	\$5,000	Fire & Rescue	4-270-032200-5110	\$5,000
Fire & Rescue Fund Balance	3-270-419000-0010	\$20,000	Fire & Rescue	4-270-032200-3112	\$20,000
Fund Balance	3-100-419000-0010	\$26,643	Budget Office	4-302-094420-3313	\$26,643
Federal Funds	3-205-033200-0005	\$37,918	School Division	4-205-061100-8100-300-005-425	\$37,039
				4-205-061100-5540-300-005-425	\$879
Reserve Funds	4-100-091400-9600	\$37,800	School Division	4-205-063200-3310-900-000-000	\$37,800
		\$40,000			\$40,000

	4-100-091400-9600	\$273,000		4-205-063200-6008-900-000-000	\$273,000
	4-100-091400-9608			4-205-061100-1000-900-000-000	
State Funds	3-100-244800-0020	\$7,750	Disability Service Board	4-100-081610-1302	\$7,157
					\$593
<b>TOTAL</b>		<b>\$493,761</b>		4-100-081610-2100	<b>\$493,761</b>

A Resolution to Authorize a Change in the Position Title and Pay Grade of the Assistant Director, Accounting to Assistant Director, Finance

#### RESOLUTION

#### AUTHORIZATION TO CHANGE THE POSITION TITLE AND PAY GRADE OF THE ASSISTANT DIRECTOR, ACCOUNTING, TO ASSISTANT DIRECTOR, FINANCE

WHEREAS, the position that serves as second in command of the Finance Department was reviewed during the DMG Maximus system wide review; and

WHEREAS, DMG Maximus classified the position as Assistant Director, Accounting, grade 40; and

WHEREAS, the position was resubmitted to DMG Maximus under the Appeal procedure; and

WHEREAS, DMG recommended its initial findings to the Administration; and

WHEREAS, based upon the position alignment with similar County positions and a comparison with a peer group of other government entities the Administration disagrees with these findings; and

WHEREAS, the Administration recommends a position title and pay grade change from Assistant Director, Accounting, grade 40 to Assistant Director, Finance, grade 45; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the position of Assistant Director, Accounting, grade 40, be re-titled and reclassified to Assistant Director, Finance, grade 45, effective February 5, 2001.

A Resolution to Authorize the Office of Comprehensive Services to Incorporate Promotional Levels within the Accounting Position Job Series

#### RESOLUTION

##### AUTHORIZATION FOR THE OFFICE OF COMPREHENSIVE SERVICES TO INCORPORATE PROMOTIONAL LEVELS WITHIN THE ACCOUNTING POSITION JOB SERIES

WHEREAS, the Office of Comprehensive Services is experiencing retention problems with the position of Accounting Technician; and

WHEREAS, the position of Accounting Technician requires substantial on-the-job training in order to attain proficiency within the Office of Comprehensive Services; and

WHEREAS, the Office of Comprehensive Services seeks to address the retention problem through incorporating promotional incentives in the Accounting position job series; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the Office of Comprehensive Services is authorized to incorporate promotional levels within its Accounting position job series effective February 5, 2001.

A Resolution to Authorize the Restructure of the Office of Comprehensive Services Position of Office Associate II to Executive Assistant, Senior

#### RESOLUTION

##### AUTHORIZATION TO RESTRUCTURE THE OFFICE OF COMPREHENSIVE SERVICES POSITION OF OFFICE ASSOCIATE II TO EXECUTIVE ASSISTANT, SENIOR

WHEREAS, the Office of Comprehensive Services has conducted a pilot project designed to determine the best alignment of positions within the Office; and

WHEREAS, results of the project revealed that restructuring the vacant position of Office Associate II to Executive Assistant, Senior would better serve needs and promote efficiency; and

WHEREAS, an Executive Assistant, Senior is classified at a grade 26 on the Fauquier County Position Classification and Pay Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the position of Office Associate II, grade 20, be restructured to Executive Assistant, Senior, grade 26, effective February 5, 2001.

A Resolution Authorizing the County Administrator and Treasurer to Execute All Necessary Documents to Provide a Bridge Loan to the Rappahannock-Rapidan Regional Commission in an Amount Not to Exceed Thirty-Five Thousand Dollars for the Purpose of Cash Flow

#### RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
AND TREASURER TO EXECUTE ALL NECESSARY DOCUMENTS TO  
ENTER INTO A LENDING ARRANGEMENT WITH THE  
RAPPAHANNOCK-RAPIDAN REGIONAL

COMMISSION (PLANNING DISTRICT 9) IN AN AMOUNT NOT TO

EXCEED THIRTY-FIVE THOUSAND DOLLARS

WHEREAS, the Rappahannock-Rapidan Regional Commission periodically finds it necessary to borrow funds to address its cash flow needs; and

WHEREAS, the Code of Virginia allows localities to lend funds to Planning Districts to which the locality belongs; and

WHEREAS, it is deemed in the mutual interest of the County of Fauquier and the Rappahannock-Rapidan Regional Commission to enter into an arrangement allowing the County to lend funds to the Planning District; and

WHEREAS, the interest rate on the indebtedness of the Planning District would marginally exceed the interest rate (+ 1%) on the funds invested by the County in the Commonwealth of Virginia Local Investment Pool; and

WHEREAS, an amount not to exceed thirty-five thousand dollars is deemed sufficient to meet the needs of the Planning District; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the County Administrator and Treasurer be, and are hereby, authorized to execute such documents as required to effect the lending arrangement; and, be it,

RESOLVED FURTHER, That this resolution shall take effect upon adoption by the Board of Supervisors.

A Resolution of Support for the Rappahannock-Rapidan Regional Commission Visioning 2001

#### RESOLUTION

#### A RESOLUTION OF SUPPORT FOR THE RAPPAHANNOCK-RAPIDAN

#### REGIONAL COMMISSION VISIONING 2001

WHEREAS, the Rappahannock-Rapidan Regional Commission and its Economic Development Committee, the Rappahannock-Rapidan Regional Partnership, are embarking on a region-wide visioning process to develop long range priorities and objectives for the region; and

WHEREAS, the Rappahannock-Rapidan Regional Commission has been designated as the Planning District Commission for Culpeper, Fauquier, Madison, Orange, and Rappahannock Counties, and Virginia's Regional Competitiveness Act calls for the development of a regional comprehensive plan; and

WHEREAS, the Rappahannock-Rapidan Regional Partnership expects to receive over \$1,000,000 from the Regional Competitiveness Act for regional projects such as small business and workforce development, tourism, economic development, and technology marketing; and

WHEREAS, the Regional Partnership seeks broad public input regarding how to utilize these funds to encourage regional cooperation and initiate new and meaningful projects throughout our communities; and

WHEREAS, the success of this regional visioning process relies upon public input and participation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of February 2001, That the Board of Supervisors does hereby encourage the public and the business community to participate in the community meeting on the 26<sup>th</sup> day of February 2001 at 7:00 p.m. at the Lord Fairfax Community College and the two subsequent regional visioning meetings and offers its support to the regional visioning process.

A Resolution to Authorize a Public Hearing to Consider Adoption of Local Enforcement of the Statewide Fire Prevention Code

#### RESOLUTION

##### A RESOLUTION AUTHORIZING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE TO AUTHORIZE LOCAL ENFORCEMENT OF THE STATE FIRE PREVENTION CODE

WHEREAS, the Public Safety Committee has recommended the Board of Supervisors consider adoption of an ordinance to allow local enforcement of the State Fire Prevention Code; and

WHEREAS, the Board of Supervisors has conducted a work session to review the services and ramifications of such an ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of February 2001, That the Fauquier County Board of Supervisors directs the County Administrator to schedule a public hearing to consider the adoption of an ordinance to allow local enforcement of the State Fire Prevention Code.

A Resolution Endorsing the Goals of the Loudoun County Citizens Committee for the Civil War Cavalry Battles of Aldie, Middleburg and Upperville

#### RESOLUTION

##### A RESOLUTION ENDORSING THE GOALS OF THE LOUDOUN COUNTY CITIZENS COMMITTEE FOR THE CIVIL WAR CAVALRY BATTLES OF ALDIE, MIDDLEBURG AND UPPERVILLE

WHEREAS, on May 15, 2000, the Loudoun County Board of Supervisors, as part of its Smart Growth Initiative, created a Citizens Committee for the Historic Cavalry Battles of Aldie, Middleburg and Upperville; and

WHEREAS, these cavalry battles took place from June 17 to June 21, 1863 in a twenty mile area along US Route 50, a portion of which is in Fauquier County; and

WHEREAS, the Loudoun Citizens Committee is charged to use a combination of (1) historic preservation, (2) conservation easements, and (3) tourism to achieve its goals; and

WHEREAS, this project is estimated to take approximately three to five years to complete; and

WHEREAS, on May 15, 2000, the Loudoun County Board of Supervisors appointed thirty-three individuals to this Citizens Committee with Paul G. Ziluca as Chairman; and

WHEREAS, among those appointed to this Committee, four are residents of Fauquier County, to wit: John L. Ayres, Ann MacLeod, John Ross, and Susan VanWagner; and

WHEREAS, these four persons are deemed to be good and sufficient representation from Fauquier County to this Committee and they, along with the Committee Chairman, may be called upon from time to time to report to the Fauquier County Board of Supervisors, its committees and staff, on the Citizens Committee's activities; and

WHEREAS, funding for this project will come from five sources: Federal, State, County, private organizations and individuals; and

WHEREAS, no Loudoun County staffing or funding has been requested nor is any contemplated except for grants under the Loudoun County Tourism Occupancy Tax program that will be requested at the appropriate time through the normal competitive process; and

WHEREAS, no Fauquier County funding is contemplated; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of February 2001, That the Fauquier County Board of Supervisors endorses the goals of the Loudoun County Citizens Committee for the Civil War Cavalry Battles of Aldie, Middleburg, and Upperville and desires to cooperate with and assist the Loudoun County Citizens Committee and wishes it success with its goals.

A Resolution Requesting the Planning Commission to Reduce the Residential Density Designated in the Comprehensive Plan for the Warrenton Service District to Conform with Existing Zoning

## RESOLUTION

A RESOLUTION REQUESTING THE PLANNING COMMISSION  
REDUCE THE RESIDENTIAL DENSITY DESIGNATED IN THE  
COMPREHENSIVE PLAN FOR THE WARRENTON SERVICE DISTRICT  
TO CONFORM WITH EXISTING ZONING

WHEREAS, the Board of Supervisors has designated the update of the Warrenton Service District Plan as one of its Top 10 Objectives for Calendar Year 2001; and

WHEREAS, the Board of Supervisors will be designating a Citizen Planning Committee to complete this plan update, with recommendations to the Planning Commission and Board of Supervisors for their consideration and action; and

WHEREAS, the Board of Supervisors will direct the Warrenton Service District Citizen Planning Committee to initiate a planning process that considers future land uses and public facility requirements based on current fiscal realities and community vision, and not to feel obligated to perpetuate previous plan designations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of February 2001, That the Planning Commission is hereby requested to develop an amendment to Chapter 6-Service Districts of the Comprehensive Plan for the Warrenton Service District [Map 6.18] to reflect existing zoning districts as was recently done for the Kelly-Niess, Butler/Nash, Springer/Sandridge, and Arrington properties.

**SPECIAL EXCEPTION – JAN AND BONNIE AITKEN,  
OWNERS/APPLICANTS**

A public hearing was held at the January 16, 2001 meeting to consider a request for special exception approval for Jan and Bonnie Aitken, Owners/Applicants, for a reduction in the open space requirement. The property is zoned Rural Agriculture, contains 89.56 acres and is located on Fiery Run Road (Route 726), Marshall District. Mr. Atherton moved to table the decision until the February 20, 2001 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**ZONING ORDINANCE TEXT AMENDMENT – AMENDMENT OF  
SECTION 6-102.24 OF THE FAUQUIER COUNTY ZONING  
ORDINANCE TO REVISE THE PERMIT REQUIREMENTS FOR PONDS**

A public hearing was held at the January 16, 2001 meeting to consider a Zoning Ordinance text amendment to Section 6-102.24 to revise the permit requirements for ponds. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**ORDINANCE**

**AN ORDINANCE APPROVING THE AMENDMENTS TO SECTION 6-  
102.24 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO  
REVISE PERMIT REQUIREMENTS FOR PONDS**

WHEREAS, permits for ponds currently require approval from the John Marshall Soil and Conservation District if surface area is 10,000 square feet or greater; and

WHEREAS, the District no longer has anyone on staff to approve pond construction plans and the state's Natural Resources and Conservation Service local office is losing its qualified person who had been handling the work; and

WHEREAS, ponds in rural zoning districts usually are used for irrigation or watering livestock; and

WHEREAS, ponds in non-rural zoning districts usually are reviewed in plans review for submission, commercial or industrial

applications; and

WHEREAS, ponds in all zoning districts must meet strict standards if impoundment structures are 15 feet or greater in height; and

WHEREAS, the Fauquier County Planning Commission, after public hearings on May 25, 2000 and November 30, 2000, voted to forward to and recommend that the Board of Supervisors adopt the referenced text amendment ordinance; and

WHEREAS, the Fauquier County Board of Supervisors has determined adoption of this amendment would provide citizens in rural zoning districts the ability to construct ponds by obtaining a zoning permit, while ponds in non-rural zoning districts would undergo more stringent technical review; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 5th day of February 2001, That Section 6-102.24 be amended to revise the permit requirements for ponds. The section will be amended as follows:

## ARTICLE 6

### 6-102 Permitted Accessory Uses

24. Ponds, but subject to the following limitations:

~~A. Ponds of more than 10,000 square feet in surface area shall be approved by the John Marshall Soil and Water Conservation District for location and retention structure design.~~

A. In addition to the regulations set forth in Subsection C below, ponds in Rural Zoning Districts shall also be subject to the following regulations:

~~A.~~ 1. Ponds, not requiring State of Virginia approval, shall be permitted in any Rural zoning district after the issuance of zoning permit.

2. Ponds requiring State of Virginia approval shall be permitted in any Rural Zoning District upon State approval and issuance of a zoning permit.

B. In addition to the regulations set forth in Subsection C below, Ponds not located within a Rural zoning district shall also be subject to the following regulations:

1. Ponds of more than 1 acre-feet in volume, or with a drainage area of 20 acres or more, shall be designed and inspected by a licensed professional engineer or other professional licensed or certified by the State of Virginia to do such work. The pond plans submitted to the Department of Community Development shall contain the professional's signature and date certifying that the "Site, soil and design standards meet, at a minimum the current Virginia Natural Resources Conservation Service (NRCS) Standards and Specifications for Ponds." These will be reviewed and approved as part of the construction plans and profiles approval process. ~~for the associated site plan or subdivision.~~ An exception to this requirement is a pond located on property which is being utilized for agricultural uses as designated within Section 3-318. Only a zoning permit issuance is required, unless the threshold conditions outlined in paragraph F are achieved.

1. Ponds of less than 1 acres feet in volume and with a drainage area of less than 20 acres shall be permitted upon the issuance of any applicable State of Virginia approval and a zoning permit.

~~C.B. The pond shall be located so that the 100 year flood pool and spillway is located not less than 50 feet from an adjacent property line unless with the written consent of the owner(s) involved, is obtained and submitted with the zoning permit application.~~

~~D.C. No land shall be disturbed in the construction of the pond that is less than 25 feet from an adjacent property line unless with the written consent of the owner(s) involved, is obtained and submitted with the~~

~~zoning permit application.~~

~~D. Approval of the State Water Control Board if State waters are to be impounded.~~

~~E. The property owner shall at all time comply with State and Federal requirements regarding impoundment structures.~~

C. All Zoning Districts: Ponds in all zoning districts shall be subject to the following regulations:

2. The pond shall be located so that the 100 year flood pool and spillway is located not less than 50 feet from an adjacent property line unless with the written consent of the owner(s) involved, is obtained and submitted with the zoning permit application.
2. No land shall be disturbed in the construction of the pond that is less than 25 feet from an adjacent property line unless with the written consent of the owner(s) involved, is obtained and submitted with the zoning permit application.
3. The property owner shall at all times comply with State and Federal requirements regarding impoundment structures.
4. Dams - The State Water Control Board regulates impounding structures which have a maximum capacity greater or equal to 50 acre-feet or a height greater than 25 feet. The design criteria presented below apply to impounding structures, which have a height greater than or equal to 15 feet and up to 25 feet. These impounding structures will be reviewed and approved by the County, and shall conform to all design criteria listed in ~~Chapter 5 of "Impounding Structure Regulations",~~

~~Regulation No. 9, State Water Control Board, Commonwealth of Virginia~~ NRCS Pond Specification Number 378, or any equivalent design criteria listed in an alternative source accepted by the County engineer. The following supplementary criteria shall also apply:

- a. The height of the dam ( $H_d$ ) is defined as the vertical distance from the foundation to the water surface elevation plus freeboard allowance for wind setup, waves, and frost action.
- b. A slope stability analysis will be performed to address seepage through the structure, pore water pressure within the structure, slope pressure, and slope protection.
- c. A maintenance program will be provided in conformance to "Safety Evaluation of Small Earth Dams", 2nd Ed., Natural Resources Conservation Service, Virginia Department of Conservation and Historic Resources.

#### SUPERVISORS TIME

- Ms. McCamy announced that the Rappahannock-Rapidan Regional Commission's Visioning 2001 meeting for Fauquier County would be held February 26 at 7:00 p.m. at Lord Fairfax Community College.

With no further business, the meeting was adjourned.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on February 5, 2001.*

*G. Robert Lee*

*Clerk*